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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Makoto YUASA, et al.

SERIAL NO: 10/591,658

GROUP: 4121

CONFIRMATION NO. **3124**

EXAMINER: Fierro, A.

FILED: August 15, 2007

FOR: NIOSOME HAVING METAL PORPHYRIN COMPLEX EMBEDDED
THEREIN, PROCESS FOR PRODUCING THE SAME AND DRUG WITH
THE USE THEREOF

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

Sir:

In response to the Restriction Requirement mailed December 10, 2008, Applicants elect, with traverse, Group I, Claims 1, 3-10, 13-16, for examination. In addition, Applicants provisionally elect with traverse, for examination purposes only, the following species:

- 1) cationized metalloporphyrin complex [5,10,15,20-tetrakis(2-methylpyridyl)porphyrin] (R^1 - R^4 are 2-methylpyridyl); the metal is iron (Fe); the species can be found in Example 1 of the specification as filed;
- 2) anionic surfactant SAS (stearic acid); the species can be found in the paragraph beginning at page 5, line 18;
- 3) noisome-forming substance is mixture of Pluronic F-88 and cholesterol; the species can be found in the paragraphs beginning at page 6, line 10 and page 6, line 15.

The elected species encompass at least claims 1, 3-6, 8-10, and 13-16.

Remarks/Arguments begin on page 2 of this paper.